

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

W.E. AUBUCHON CO., INC., AUBUCHON)
DISTRIBUTION, INC., W.E. AUBUCHON)
CO. INC. EMPLOYEE MEDICAL)
BENEFIT PLAN, and AUBUCHON)
DISTRIBUTION, INC. EMPLOYEE)
MEDICAL BENEFIT PLAN)
Plaintiffs,)

C.A. No. 05-40159FDS

v.)

BENEFIRST, LLC,)
Defendant.)

PLAINTIFFS' ASSENTED TO MOTION TO EXTEND SCHEDULING ORDER
DEADLINES FOURTEEN (14) DAYS

Plaintiffs hereby move for a fourteen (14) day extension of the Court's current Scheduling Order deadlines. Defendant has assented to this Motion. The grounds in support of this Motion are as follows:

The current Scheduling Order requires Plaintiffs to provide full Answers to Defendant's Interrogatories no later than October 31, 2007. Plaintiffs have informed the Court and Defendant that providing Answers to Defendant's Interrogatories requires that an audit be preformed on all claims materials provided by Defendant in connection with this matter. In order to conduct the audit, Plaintiffs' expert requires access to the claims records produced by Defendant in accordance with this Court's Order of February 6, 2007 and access to all of the electronically stored claims information, which is now in the possession of the Trizetto Group, Inc.

In early September, 2007, after receiving Defendant's claims records which were produced pursuant to this Court's (Hillman, J.) Order of February 6, 2007, Plaintiffs immediately provided said documents to their expert in order for the audit to commence. However, in order to access the

claims information electronically stored with the Trizetto Group, Inc., Plaintiffs' expert required certain security codes to be provided by the Trizetto Group, Inc. The process to secure the necessary security codes from the Trizetto Group, Inc took nearly two weeks and therefore unexpectedly delayed the audit.

Given the delay in completing the audit, Plaintiffs will require the Court's current Scheduling Order to be extended by fourteen (14) days in order to provide Plaintiffs sufficient time to review the audit results and complete their Answers to Defendant's Interrogatories. As a result, Plaintiffs request that the new Scheduling Order provide as follows:

1. Plaintiffs shall respond to Defendant's Interrogatories no later than November 14, 2007.
2. Non-expert discovery shall be completed by January 14, 2008.
3. Plaintiffs' designation of expert witnesses and disclosures by February 13, 2008.
4. Defendant's designation of expert witnesses and disclosures by March 14, 2008.
5. Completion of all expert depositions by April 13, 2008.
6. Deadline for all dispositive motions by May 15, 2008.

WHEREFORE, Plaintiffs request that their Motion to Extend the Court's Scheduling Order be allowed.

W.E. AUBUCHON CO., INC.,
AUBUCHON DISTRIBUTION, INC.,
W.E. AUBUCHON CO., INC.
EMPLOYEE MEDICAL BENEFIT PLAN, and
AUBUCHON DISTRIBUTION, INC.
EMPLOYEE MEDICAL BENEFIT PLAN,

By Their Attorneys,

/s/ Ryan T. Killman

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Dated: October _____, 2007

BENEFIRST, LLC

By its attorneys,

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CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on October 26, 2006.

/s/ Ryan T. Killman